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SENATE BILL 122

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Leonard Lee Rawson

AN ACT

RELATING TO MOTOR VEHICLES; ALLOWING NONTRANSPARENT MATERIALS TO BE PLACED IN A SPECIFIED AREA AT THE TOP OF THE WINDSHIELD OF A MOTOR VEHICLE; AMENDING SECTIONS OF THE NMSA 1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 66-3-846 NMSA 1978 (being Laws 1978, Chapter 35, Section 152, as amended) is amended to read:

"66-3-846. WINDSHIELDS MUST BE UNOBSTRUCTED AND EQUIPPED WITH WIPERS--WINDOWS MUST BE TRANSPARENT--EXCEPTION.--

A. ~~[No]~~ A person shall not drive ~~[any]~~ a motor vehicle with ~~[any]~~ a sign, poster or other nontransparent material ~~[upon]~~ on or in the front windshield that extends downward beyond the AS1 line or more than five inches from the top of the windshield, whichever is closer to the top of the windshield, the windows to the immediate right and left of the

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1 driver or [~~in~~] the rearmost window if the latter is used for  
2 driving visibility, except as provided in Section 66-3-846.1  
3 NMSA 1978. The rearmost window is not necessary for driving  
4 visibility where outside rearview mirrors are attached to the  
5 vehicle.

6 B. The windshield on every motor vehicle except a  
7 motorcycle shall be equipped with a device for cleaning rain,  
8 snow or other moisture from the windshield, which device shall  
9 be so constructed as to be controlled or operated by the driver  
10 of the vehicle.

11 C. Every windshield wiper [~~upon~~] on a motor vehicle  
12 shall be maintained in good working order. "

13 Section 2. Section 66-3-846.1 NMSA 1978 (being Laws 1997,  
14 Chapter 151, Section 2) is amended to read:

15 "66-3-846.1. SUN SCREENING MATERIAL ON WINDSHIELDS AND  
16 WINDOWS-- REQUIREMENTS-- VIOLATION-- PENALTY. --

17 A. A person shall not operate on [~~any~~] a street or  
18 highway a motor vehicle that is registered or required to be  
19 registered in this state if that motor vehicle has a sun  
20 screening material on the windshield or any window that does  
21 not comply with the requirements of this section.

22 B. Except as otherwise provided in this section, a  
23 sun screening material:

24 (1) when used in conjunction with the  
25 windshield, shall be nonreflective, shall not be red, yellow or

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1 amber in color and shall be used only along the top of the  
2 windshield, not extending downward beyond the ~~[AS1]~~ AS1 line or  
3 more than five inches from the top of the windshield, whichever  
4 is closer to the top of the windshield; and

5 (2) when used in conjunction with the safety  
6 glazing materials of the side wings or side windows located at  
7 the immediate right and left of the driver, the side windows  
8 behind the driver and the rearmost window shall be  
9 nonreflective, shall have a light transmission of not less than  
10 twenty percent and shall be used only on the windows of a motor  
11 vehicle equipped with one right and one left outside rearview  
12 mirror.

13 C. Each manufacturer shall:

14 (1) certify to the division that a sun  
15 screening material used by that manufacturer is in compliance  
16 with the nonreflectivity and light transmission requirements of  
17 this section;

18 (2) provide a label not to exceed one and one-  
19 half square inches in size that:

20 (a) is installed permanently and legibly  
21 between the sun screening material and each glazing surface to  
22 which it is applied;

23 (b) contains the manufacturer's name,  
24 the date that the sun screening material was manufactured and  
25 the percentage of light transmission; and

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1 (c) is placed in the left lower corner  
2 of each glazing surface when facing the motor vehicle from the  
3 outside; and

4 (3) include instructions with the sun  
5 screening material for proper installation, including the  
6 affixing of the label specified in this subsection.

7 D. ~~No~~ A person shall not:

8 (1) offer for sale or for use [~~any~~] a sun  
9 screening material for motor vehicle use not in compliance with  
10 this section; or

11 (2) install [~~any~~] a sun screening material on  
12 motor vehicles intended for operation on [~~any~~] a street or  
13 highway without permanently affixing the label specified in  
14 Subsection C of this section.

15 E. The provisions of this section do not apply to a  
16 motor vehicle registered in this state in the name of a person,  
17 or the person's legal guardian, who has an affidavit signed by  
18 a physician or an optometrist licensed to practice in this  
19 state that states that the person has a physical condition that  
20 makes it necessary to equip the motor vehicle with sun  
21 screening material that is in violation of this section. The  
22 affidavit shall be in the possession of the person with such a  
23 physical condition, or the person's legal guardian, at all  
24 times while being transported in the motor vehicle.

25 F. The light transmission requirement of this

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1 section does not apply to windows behind the driver on truck  
2 tractors, buses, recreational vehicles, multipurpose passenger  
3 vehicles ~~[and]~~ or motor homes. The provisions of this section  
4 shall not apply to motor vehicle glazing ~~[which]~~ that complies  
5 with federal motor vehicle standards.

6 G. The provisions of this section do not apply to  
7 motor vehicles that have sun screening material on the  
8 windshield or any window prior to ~~[the effective date of this~~  
9 ~~section]~~ July 1, 1997.

10 H. As used in this section:

11 (1) "light transmission" means the ratio of  
12 the amount of total light that passes through a product or  
13 material, expressed in percentages, to the amount of the total  
14 light falling on the product or material;

15 (2) "manufacturer" means any person engaged in  
16 the manufacturing or assembling of sun screening products or  
17 materials designed to be used in conjunction with motor vehicle  
18 glazing materials for the purpose of reducing the effects of  
19 the sun;

20 (3) "nonreflective" means designed to absorb  
21 light rather ~~[that]~~ than to reflect it; and

22 (4) "sun screening material" means ~~[any]~~ a  
23 film material, substance, device or product that is designed to  
24 be used in conjunction with motor vehicle safety glazing  
25 materials for reducing the effects of the sun.

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I. ~~[Any]~~ A person who violates ~~[any]~~ a provision of this section is guilty of a petty misdemeanor and upon conviction shall be punished by a fine of not more than seventy-five dollars (\$75.00). "

Section 3. EFFECTIVE DATE. --The effective date of the provisions of this act is July 1, 2003.

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